

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|--|---|------------------|
| -----X | : | |
| In re: | : | 09 MD 2017 (LAK) |
| | : | |
| LEHMAN BROTHERS SECURITIES AND | : | |
| ERISA LITIGATION | : | ECF CASE |
| | : | |
| This Document Applies to: | : | |
| | : | |
| <i>In re Lehman Brothers Mortgage-Backed</i> | : | |
| <i>Securities Litigation, No 08-CV-6762.</i> | : | |
| | : | |
| -----X | | |

PLEASE TAKE NOTICE that Lead Plaintiff Locals 302 and 612 of the International Union of Operating Engineers – Employers Construction Industry Retirement Trust (the “Operating Engineers” or “Lead Plaintiff”) and Additional-Named Plaintiffs New Jersey Carpenters Health Fund (the “New Jersey Carpenters”) and Named-Plaintiff Boilermakers-Blacksmith National Pension Trust (the “Boilermakers”, with Operating Engineers and New Jersey Carpenters, collectively referred to as “Plaintiffs”) and Defendants, in the action captioned *In re Lehman Brothers Mortgage-Backed Securities Litigation*, No. 08-CV-6762 (LAK) (the “Class Action”) through counsel, hereby move this Court before the Honorable Lewis A. Kaplan, for an “indicative ruling” regarding approval of the parties’ proposed Settlement in accordance with Federal Rule of Civil Procedure 62.1 and Federal Rule of Appellate Procedure 12.1. Defendants join in this Motion.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Plaintiffs and Defendants submit herewith: a Memorandum of Law in Support of their Joint Motion for an Indicative Ruling.

Dated: New York, New York
January 13, 2012

COHEN MILSTEIN SELLERS & TOLL PLLC

By: /s/ Christopher Lometti

Joel P. Laitman
Christopher Lometti
Richard Speirs
Michael B. Eisenkraft
Daniel B. Rehns
Kenneth M. Rehns

88 Pine Street, Fourteenth Floor

New York, New York 10005

Telephone: (212) 828-7797

Facsimile: (212) 828-7745

jlaitman@cohenmilstein.com

clometti@cohenmilstein.com

rspeirs@cohenmilstein.com

meisenkraft@cohenmilstein.com

drehns@cohenmilstein.com

krehns@cohenmilstein.com

Steven J. Toll

S. Douglas Bunch

1100 New York Avenue NW, Suite 500 West

Washington, D.C. 20005

Telephone: (202) 408-4600

Facsimile: (202) 408-4699

stoll@cohenmilstein.com

dbunch@cohenmilstein.com

/s/ Michael C. Ledley

William A. Maher

Michael C. Ledley

WOLLMUTH MAHER & DEUTSCH LLP

500 Fifth Avenue

New York, New York 10110

212-382-3300

212-382-0050 (Facsimile)

Counsel for the Individual Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel.

**COHEN MILSTEIN SELLERS &
TOLL, PLLC.**

/s/ Kenneth M. Rehns

Kenneth M. Rehns
krehns@cohenmilstein.com
88 Pine Street
Fourteenth Floor
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-7745